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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HONGHUI DENG,

Plaintiff,

vs.

STATE OF NEVADA ex rel. BOARD OF  
REGENTS OF THE NEVADA SYSTEM  
OF HIGHER EDUCATION, on behalf of the  
UNIVERSITY OF NEVADA, LAS VEGAS;  
and KEAH-CHOON TAN, an individual,

Defendants.

Case No.: 2:17-cv-03019-APG-VCF

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY**

**(First Request)**

Plaintiff HONGHUI DENG and Defendants STATE OF NEVADA ex rel. BOARD OF  
REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION, on behalf of the  
UNIVERSITY OF NEVADA, LAS VEGAS and KEAH-CHOON TAN, by and through their  
counsel of record, hereby STIPULATE AND AGREE that the current discovery cutoff date of **June**  
**13, 2018**, be continued for a period of ninety (90) days up to and including **September 11, 2018**.  
This is the first extension to the discovery period that has been requested in this matter.

**1. DISCOVERY COMPLETED TO DATE:**

Plaintiff HONGHUI DENG and Defendants STATE OF NEVADA ex rel. BOARD OF  
REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION, on behalf of the

1 UNIVERSITY OF NEVADA, LAS VEGAS and KEAH-CHOON TAN all made their initial  
2 disclosures required under Fed. R. Civ. P. 26(a)(1)(A) within the time period set forth in the  
3 Stipulated Discovery Plan and Scheduling Order (ECF No. 13). Plaintiff served his First  
4 Supplement to Plaintiff's Initial Disclosures on February 28, 2018, and his Second Supplement to  
5 Plaintiff's Initial Disclosures on April 17, 2018.

6 Plaintiff propounded the following written discovery:

7 1. Plaintiff's First Set of Requests for Production of Documents to Defendant State Of  
8 Nevada ex rel. Board Of Regents of the Nevada System of Higher Education, on behalf of The  
9 University of Nevada, Las Vegas, served on March 29, 2018, for which Defendant UNLV has asked  
10 for additional time to respond due to the extensive nature of the requests;

11 2. Plaintiff's First Set of Interrogatories to Defendant State Of Nevada ex rel. Board Of  
12 Regents of the Nevada System of Higher Education, on behalf of The University of Nevada, Las  
13 Vegas, served on March 29, 2018, to which Defendant UNLV has responded;

14 3. Plaintiff's Second Set of Requests for Production of Documents (Request Nos. 37-  
15 46), served on April 2, 2018, for which Defendant UNLV has asked for additional time to respond  
16 due to the extensive nature of the requests; and

17 4. Plaintiff's Third Set of Requests for Production of Documents (Request Nos. 47-54),  
18 which were served on April 15, 2018, and for which the response is not yet due.

19 Defendant propounded the following written discovery:

20 1. "Defendant Keah-Choon Tan's First Set of Interrogatories to Plaintiff," which were  
21 served on May 9, 2018;

22 2. "Defendant Keah-Choon Tan's First Set of Requests for Production to Plaintiff,"  
23 which were served on May 9, 2018;

24 3. "Defendant UNLV's First Set of Interrogatories to Plaintiff," which were served on  
25 May 11, 2018; and

26 4. "Defendant UNLV's First Set of Requests for Production to Plaintiff," which were  
27 served on May 11, 2018.

28 The responses to each of above are not yet due and have not yet been served.

1           Additionally, Plaintiff served document subpoenae on the following third-party witnesses  
2 who were believed to have documents relevant to this case:

3           1.       Dr. Ken Peffers. Dr. Peffers responded on February 28, 2018, and the documents that  
4 he produced were, in turn, produced to Defendants as part of Plaintiff's First Supplement to  
5 Plaintiff's Initial Disclosures.

6           2.       Dr. Bill Kuechler. Dr. Kuechler responded by letter dated April 30, 2018, that he had  
7 no documents responsive to the subpoena in his possession, custody or control.

8       **2.       DISCOVERY YET TO BE COMPLETED:**

9           Once the documents are produced in this matter, Plaintiff intends to take the following  
10 depositions:

- 11           1.       Len Jessup;
- 12           2.       Brent Hathaway;
- 13           3.       Defendant Keah-Choon Tan;
- 14           4.       Nancy Rapaport;
- 15           5.       G. Stoney Alder; and
- 16           6.       William Kuechler.

17           Names made be added to, or omitted from, this list, based on the review of the document  
18 production. Defendant intends to take the depositions of Plaintiff Honghui Deng, Ken Peffers, and  
19 Marcus Rothenberger, and may schedule other depositions depending on the results of those  
20 depositions and/or based on the review of document production.

21       **3.       REASONS WHY REMAINING DISCOVERY HAS NOT YET BEEN COMPLETED:**

22           There are two major reasons why discovery cannot be completed by June 13, 2018, the  
23 currently-scheduled discovery cut-off. The parties have been working diligently to complete  
24 discovery and, thus far, have been able to resolve any disputes over the scope of discovery and have  
25 been cooperative regarding discovery extensions. However, despite this diligence, the initial 180-  
26 day discovery has proven to be insufficient.

27           First, Plaintiff has made extensive document requests that have required a substantial  
28 investment in time by Defendant UNLV to respond, as many of the requests pertain to specific email

1 communications and those requests have taken time to respond. Second, Plaintiff Honghui Deng  
2 will be out of the country, on a teaching assignment, from May 21, 2018, through the end of July.  
3 It is for this reason not only that discovery must be extended, but that it needs to be extended for 90  
4 days. Lastly, there is a possibility that certain documents will require certified translation from  
5 Chinese (Mandarin) to English.

6 **4. REVISED DISCOVERY PLAN:**

7 1. Discovery Cut-Off Date: **September 11, 2018**.

8 2. Dispositive Motions: The date for filing dispositive motions shall be not later than  
9 **October 11, 2018**, 30 days after the discovery cut-off date. In the event that the discovery period  
10 is extended from the discovery cut-off date set forth in this Stipulation and Order to Extend  
11 Discovery (First Request), the date for filing dispositive motions shall be extended for the same  
12 duration, to be not later than 30 days from the subsequent discovery cut-off date.

13 3. Pretrial Order: The date for filing the joint pretrial order shall be not later than  
14 **November 13, 2018**, 30 days after the date set for filing dispositive motions. In the event that  
15 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30  
16 days after decision on the dispositive motions or until further order of the court.

17 4. Additional Extensions of the Discovery Period: The last day for the parties to file  
18 their Motion and/or Stipulation to Extend Discovery shall be **August 21, 2018**, twenty (21) days  
19 prior to the revised discovery cut-off.

20 5. Any discovery deadline not extended in accordance with the Revised Discovery Plan  
21 set forth above shall remain controlled by the Stipulated Discovery Plan and Scheduling Order (ECF  
22 No. 12), as approved by the Court on July 18, 2017.

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No trial date has yet been ordered.

DATED: May 18, 2018.	DATED: May 18, 2018.
LAW OFFICES OF ROBERT P. SPRETNAK	UNIVERSITY OF NEVADA, LAS VEGAS
By: <u>/s/ Robert P. Spretnak</u> Robert P. Spretnak, Esq.	By: <u>/s/ Lynda P. King</u> Elda M. Sidhu, Esq. Lynda P. King, Esq.
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IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

May 18, 2018